

O I P E
Appl. No. 09/765,231
Amendment Dated 8 December 2003
Reply to Office Action of 22 July 2003

DEC 12 2003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: |

PHIPPARD et al. | GROUP ART UNIT: 1635

SERIAL NUMBER: 09/765,231 | EXAMINER: R. SCHNIZER

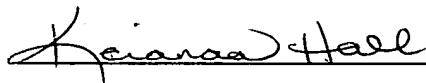
FILED: 18 JANUARY 2001 | DATE: 8 DECEMBER 2003

ATTORNEY DOCKET NO.: | CONFIRMATION NUMBER: 7382

3221/00-US

**TITLE: OSTEOARTHRITIS TISSUE DERIVED NUCLEIC ACIDS, POLYPEPTIDES,
VECTORS, AND CELLS**

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Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313 on 8 December 2003.



Date: 12-08-03

REPLY UNDER 37 C.F.R. § 1.111

I. INTRODUCTORY COMMENTS

Commissioner of Patents and Trademarks

Alexandria, VA 22313

Sir:

This paper is in response to the Office Action dated 22 July 2003, the Shortened Statutory Period for Response expired on 22 October 2003. Applicants request a two-month extension of time. Please charge any appropriate fees to Deposit Account No. 19-1025.

Amendments to the claims are reflected in the listing of claims, which starts on page 2 of this paper.

Remarks start on page 6 of this paper.

PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)
(Large Entity)

Docket No.
S03221/00

In Re Application Of: Deborah J. Phippard, et al.

Serial No.
09/765,231

Filing Date

Examiner

Group Art Unit

Invention:

OSTEOARTHRITIS TISSUE-DERIVED NUCLEIC ACIDS, POLYPEPTIDES, VECTORS, AND CELLS

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DEC 19 2003

TO THE COMMISSIONER FOR PATENTS:

TECH CENTER 1600/2900

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a response to the Office Action of 07/22/03 above-identified application.
Date

The requested extension is as follows (check time period desired):

One month Two months Three months Four months Five months

from: 10/22/03
Date until: 12/22/03
Date

The fee for the extension of time is \$420 and is to be paid as follows:

- A check in the amount of the fee is enclosed.
- The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. 19-1025
- If an additional extension of time is required, please consider this a petition therefor and charge any additional fees which may be required to Deposit Account No. 19-1025

Dated: December 8, 2003

Philip B. Polster, II Reg. No. 43,864

Customer N . 26648

12/16/2003 HDEMESS1 00000033 191025 09765231

01 E01252

cc:

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Signature of Roman Mailbox Correspondence

Keijanaa N. Hall

Typed or Printed Name of Person Mailing Correspondence

AMENDMENT TRANSMITTAL LETTER (Large Entity)

Applicant(s): Deborah B. Pippard et al.

Docket No.

S03221/00

Serial No.
09/765,231Filing Date
January 18, 2001Examiner
Richard A. SchnizerGroup Art Unit
1635

Invention:

OSTEOARTHRITIS TISSUE-DERIVED NUCLEIC ACIDS, POLYPEPTIDES, VECTORS, AND CELLS

TO THE COMMISSIONER FOR PATENTS:

Transmitted herewith is an amendment in the above-identified application.

The fee has been calculated and is transmitted as shown below.

CLAIMS AS AMENDED

	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE
TOTAL CLAIMS	26 -	59 =	0	x \$18.00	\$0.00
INDEP. CLAIMS	2 -	9 =	0	x \$86.00	\$0.00
Multiple Dependent Claims (check if applicable)	<input type="checkbox"/>				
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT					\$0.00

No additional fee is required for amendment.

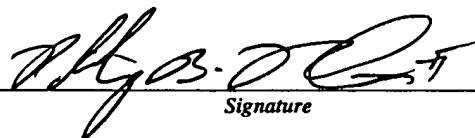
Please charge Deposit Account No. _____ in the amount of _____.

A check in the amount of _____ to cover the filing fee is enclosed.

The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 19-1025

Any additional filing fees required under 37 C.F.R. 1.16.

Any patent application processing fees under 37 CFR 1.17.



Philip B. Polster, II Reg. No. 43,864

Dated: December 8, 2003

Customer N . 26648

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Keianaa N. Hall

Typed or Printed Name of Person Mailing Correspondence

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FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27TOTAL AMOUNT OF PAYMENT (\$)
\$420.00

Complete if Known

Application Number	09/765,231
Filing Date	January 18, 2001
First Named Inventor	Deborah J. Phippard
Examiner Name	Richard A. Schnizer
Art Unit	1635
Attorney Docket No.	S03221/00 US

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DEC 19 2003

TECH CENTER 1600/2900

METHOD OF PAYMENT (check all that apply)

 Check Credit card Money Order Other None
 Deposit Account:

Deposit Account Number	19-1025
Deposit Account Name	Pharmacia Corporation

The Director is authorized to: (check all that apply)

 Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) or any underpayment of fee(s)
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity	Small Entity	Fee Code (\$)	Fee	Fee Code (\$)	Fee Description	Fee Paid
1001	770	2001	385	Utility filing fee		
1002	340	2002	170	Design filing fee		
1003	530	2003	265	Plant filing fee		
1004	770	2004	385	Reissue filing fee		
1005	160	2005	80	Provisional filing fee		
SUBTOTAL (1) (\$)						

2. EXTRA CLAIM FEES FOR UTILITY AND

Extra Claims	Fee from below	Fee Paid
Total Claims	-20** = 0	X 0.00 = 0.00
Independent Claims	- 3** = 0	X 0.00 = 0.00
Multiple Dependent		= 0.00

Large Entity	Small Entity	Fee Code (\$)	Fee	Fee Code (\$)	Fee Description	Fee Paid
1202	18	2202	9	Claims in excess of 20		
1201	86	2201	43	Independent claims in excess of 3		
1203	290	2203	145	Multiple dependent claim, if not paid		
1204	86	2204	43	** Reissue independent claims over original patent		
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent		
SUBTOTAL (2) (\$)						\$0.00

*or number previously paid, if greater; For Reissues, see above

3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Code (\$)	Fee	Fee Code (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath		
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet		
1053	130	1053	130	Non - English specification		
1812	2,520	1812	2,520	For filing a request for ex parte reexamination		
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action		
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action		
1251	110	2251	55	Extension for reply within first month		
1252	420	2252	210	Extension for reply within second month		420.00
1253	950	2253	475	Extension for reply within third month		
1254	1,480	2254	740	Extension for reply within fourth month		
1255	2,010	2255	1,005	Extension for reply within fifth month		
1401	330	2401	165	Notice of Appeal		
1402	330	2402	165	Filing a brief in support of an appeal		
1403	290	2403	145	Request for oral hearing		
1451	1,510	1451	1,510	Petition to institute a public use proceeding		
1452	110	2452	55	Petition to revive - unavoidable		
1453	1,330	2453	665	Petition to revive - unintentional		
1501	1,330	2501	665	Utility issue fee (or reissue)		
1502	480	2502	240	Design issue fee		
1503	640	2503	320	Plant issue fee		
1460	130	1460	130	Petitions to the Commissioner		
1807	50	1807	50	Processing fee under 37 CFR § 1.17(q)		
1806	180	1806	180	Submission of Information Disclosure Statement		
8021	40	8021	40	Recording each patent assignment per property (times number of properties)		
1809	770	2809	385	Filing a submission after final rejection (37 CFR § 1.129(a))		
1810	770	2810	385	For each additional invention to be examined (37 CFR § 1.129(b))		
1801	770	2801	385	Request for Continued Examination (RCE)		
1802	900	1802	900	Request for expedited examination of a design application		

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)
\$420.00

SUBMITTED BY

Complete if Known

Name (Print/Type)	Philip B. Polster, II	Registration No. (Attorney/Agent)	43,864	Telephone	314-274-9094
Signature				Date	December 8, 2003

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This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

CERTIFICATE OF MAILING BY FIRST CLASS MAIL (37 CFR 1.8)

Applicant(s): Deborah J. Rhippard, et al.

Docket No.

S03221/00

Serial No.

09/765,231

DEC

1 2 2003

Filing Date

January 18, 2001

Examiner

Richard A. Schnizer

Group Art Unit

1635

Invention:

OSTEOARTHRITIS TISSUE-DERIVED NUCLEIC ACIDS, POLYPEPTIDES, VECTORS, AND CELLSI hereby certify that this Fee Transmittal, and Postcard*(Identify type of correspondence)*

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Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on December 8, 2003*(Date)*Keianaa N. Hall*(Typed or Printed Name of Person Mailing Correspondence)*Keianaa Hall*(Signature of Person Mailing Correspondence)*

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